



Comptroller General
of the United States
Washington, D.C. 20548

Calhoun
144399

Decision

Matter of: Brooks Builders Incorporated
File: B-244637
Date: July 15, 1991

John Danjean for the protester.
Tania L. Calhoun, Office of the General Counsel, GAO,
participated in the preparation of the decision.

Digest

Protest is dismissed where second low bidder seeks to compel agency to select alternate bid rather than base bid; choice is within the discretion of the agency.

Decision


Brooks Builders Incorporated protests any award to The Gottfried Corporation under invitation for bid (IFB) No. 629-88-102, issued by the Department of Veterans Affairs' Medical Center in New Orleans, Louisiana, for the modification of a vertical transport system. Brooks protests that Gottfried, the apparent low bidder, should be forced to perform under its alternate bid or to withdraw its bid.

Gottfried was the apparent low bidder with a base bid of \$259,125 and an alternate bid of \$50,000.^{1/} Brooks was the apparent second low bidder with a base bid of \$262,876 and an alternate bid of \$214,756. Brooks asserts that the agency should make award to Gottfried on the basis of its alternate bid or that Gottfried should withdraw its bid.

^{1/} The alternate bid is the same as the base bid, except that the provision for intercommunications systems is deleted. Gottfried's alternate bid was \$50,000, while its competitors' bids ranged from \$214,756 to \$389,100.

The agency has informed our Office that it has decided to make award on the basis of the base bid. There are no facts stated that would indicate that the agency's decision to make award of the base bid violated any procurement law or regulations. To the contrary, the IFB did not limit in any way the exercise of the agency's discretion in deciding whether to make award on the basis of the base or alternate bid.

The protest is dismissed.

A handwritten signature in cursive script, reading "James A. Spangenberg".

James A. Spangenberg
Assistant General Counsel